

**ARI D. HALPERN**, ATTORNEY AT LAW — OSB # 045230  
ari@halpernlawgroup.net  
HALPERN LAW GROUP, P.C.  
62910 O.B. Riley Rd., Suite 100  
Bend, OR 97703  
Voice: (541) 388-8410  
Fax: (541) 323-2306  
Attorney for Plaintiff

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
EUGENE DIVISION

**SANYA MEMBE,**

Plaintiff,

vs.

**COMMISSIONER OF SOCIAL SECURITY,**

Defendant.

**Case No. 6:20-cv-00896-MK**

**ORDER**

For the reasons set forth in Plaintiff's second supplemental motion for attorney fees, and in the parties' stipulation regarding second supplemental attorney's fees pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, *et seq.*, and good cause shown, IT IS HEREBY ORDERED AS FOLLOWS:

Plaintiff is hereby awarded \$5000.00 (five thousand dollars) in additional supplemental fees under the EAJA. Under *Astrue v. Ratliff*, 130 S. Ct. 2521, 2528-29 (2010), EAJA fees awarded by this Court belong to Plaintiff and are subject to offset under the Treasury Offset Program (31 U.S.C. § 3716(c)(3)(B) (2006)). Any EAJA fees should therefore be awarded to Plaintiff and not to Plaintiff's attorney. If, after receiving the Court's EAJA fee order, the Commissioner (1) determines

ORDER

page 1

that Plaintiff has assigned her right to EAJA fees to her attorney; (2) determines that Plaintiff does not owe a debt that is subject to offset under the Treasury Offset Program, and (3) agrees to waive the requirements of the Anti-Assignment Act, then the EAJA fees will be made payable to Plaintiff's attorney, Ari Halpern, and mailed to Mr. Halpern at:

HALPERN LAW GROUP, P.C.

62910 O.B. Riley Rd., Suite 100

Bend, OR 97703

However, if there is a debt owed under the Treasury Offset Program, the Commissioner cannot agree to waive the requirements of the Anti-Assignment Act, and the remaining EAJA fees after offset will be paid by a check made out to Plaintiff but delivered to Plaintiff's attorney.

Dated this 13th day of December 2022.

s/ Mustafa T. Kasubhai  
MUSTAFA T. KASUBHAI (He / Him)  
United States Magistrate Judge

Submitted by:  
s/ Ari D. Halpern  
ARI D. HALPERN, OSB # 045230  
Voice: (541) 388-8410  
ari@halpernlawgroup.net  
Attorney for Plaintiff